

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Promote
Consistency in Methodology and Input
Assumptions in Commission Applications of
Short-Run and Long-run Avoided Costs,
Including Pricing for Qualifying Facilities.

Rulemaking 04-04-025
(Filed April 22, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON AGLET CONSUMER ALLIANCE
NOTICE OF INTENT TO CLAIM COMPENSATION**

Aglet Consumer Alliance (Aglet) is ruled as eligible for an award of compensation in the 2006 Update phase of this proceeding. On February 2, 2006, Aglet filed a Notice of Intent to Claim Intervenor Compensation (NOI) for the 2006 Update phase.¹ No responses have been received. The exact amount of the award, if any, shall be determined based on the reasonableness of its request for award.

1. Timely Filing

A prehearing conference (PHC) was held on January 12, 2006. Aglet timely filed its NOI on February 2, 2006. (Public Utilities Code Section 1804(a)(1).)²

¹ The scope and schedule for the 2006 Update phase of the proceeding were established by ruling dated December 27, 2005 in this proceeding.

² All statutory references in this ruling are to the Public Utilities Code.

2. Customer

The Public Utilities Code defines customer in three ways, pursuant to § 1802(b)(1):

- (a) a participant representing consumers.
- (b) a representative authorized by a customer.
- (c) a representative of a group or organization that is authorized by its articles or bylaws to represent the interests of residential customers.

Aglet is an unincorporated nonprofit association registered with State of California Secretary of State, and authorized pursuant to its articles of incorporation and bylaws to represent and advocate the interests of residential and small commercial customers of electrical, gas, water, and telephone utilities in California. Aglet is a customer as defined above (§ 1802(b)(1)(C)).

3. Significant Financial Hardship

A finding of significant financial hardship creates a rebuttable presumption of eligibility for compensation in other Commission proceedings commencing within one year of the date of that finding. (§ 1804(b)(1).) Aglet obtained a finding of significant financial hardship on April 15, 2004, by Ruling on that date in A.04-01-009. This proceeding commenced within one year of that date, and therefore Aglet has demonstrated significant financial hardship by rebuttable presumption.

4. Nature and Extent of Planned Participation

The NOI must include a statement of the nature and extent of the customer's planned participation as far as it is possible to set out when the NOI is filed. (§ 1804(a)(2)(A)(i).) Aglet states that it intends to participate actively in the 2006 Update phase of this proceeding by: (1) commenting on a draft report

on the updating issues, (2) participating in workshops on the draft report, (3) commenting on workshop reports, and (4) filing other pleadings as necessary. Aglet states that it will also participate in hearings if they are scheduled. Subject to available time, Aglet intends to focus its efforts on: definitions of peak and critical peak loads; counting of resources that are not fully dispatchable; measurement and analysis of load shape data; conversion of annual energy savings to peak energy savings; input assumptions and model algorithms; data sources for natural gas prices; and other issues as the proceeding unfolds.

In its NOI, Aglet states that it recognizes the Legislative intent expressed in § 1801.3(f) that the Commission administer its intervenor compensation program in a manner that avoids unproductive or unnecessary participation. Aglet intends to confer with TURN and other intervenors regarding the material issues identified at this stage of the proceeding, with the goal of minimizing duplication of effort regarding issues of concern to residential and small commercial customers.

5. Itemized Estimate of Costs of Participation

The NOI must include an itemized estimate of the compensation that the customer expects to request, given the likely duration of the proceeding as it appears at the time the NOI is filed. (§ 1804(a)(2)(A)(ii).) Aglet states that it expects to request compensation in the amount of \$25,940:

\$ 2,500	10 hours of professional time by James Weil, at \$250 per hour
2,000	16 hours of travel time, at \$125 per hour
20,000	100 hours of professional time by Jan Reid at \$200 per hour
<u>+ 800</u>	8 hours of travel time at \$100 per hour
25,300	Subtotal, compensable time
100	Copies
100	Postage, overnight delivery
400	Travel costs (vehicle mileage, bridge tolls, parking)
<u>+ 40</u>	FAX charges

\$ 640	Subtotal, compensable other costs
\$ 25, 940	Total Estimated Cost of Participation

Aglet states that it will provide time records, expense records and justification for hourly rates in a request for an award of compensation, if it eventually files one.

Aglet has included an itemized estimate of the compensation that the customer expects to request, given the likely duration of the proceeding as it appears at the time the NOI is filed.

IT IS RULED that:

1. Aglet Consumer Alliance (Aglet) timely filed a Notice of Intent to Claim Intervenor Compensation for the 2006 Update phase of the proceeding.
2. Aglet is a customer for the purposes of intervenor compensation, pursuant to § 1802(b)(1)(C).
3. There is a rebuttable presumption under § 1804(b)(2) that Aglet's participation in this phase of the proceeding without an award of intervenor compensation would pose a significant financial hardship.
4. Aglet reasonably states the nature and extent of its planned participation, as far as it is possible to know as of the filing of the Notice of Intent. Aglet makes a reasonable showing that its participation will minimize unproductive or unnecessary duplication of work effort.
5. Aglet presents a satisfactory itemization of an estimate of compensation it expects to request. The reasonableness of the hourly rates shall be addressed in the later request for compensation, if any, by Aglet.
6. Aglet is eligible for an award of intervenor compensation for participation in the 2006 Update phase of the proceeding. The exact amount of the award, if

any, shall be determined based on the reasonableness of its request for award, and this ruling “in no way ensures compensation.” (§ 1804(b)(2).) The

Commission may audit the records and books of Aglet to the extent necessary to verify the basis of the award. (§ 1804(d).)

7. This ruling shall be served on the 2006 Update service list in this proceeding.

Dated February 28, 2006, at San Francisco, California.

/s/ MEG GOTTSTEIN by LTC

Meg Gottstein
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Aglet Consumer Alliance Notice of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated February 28, 2006, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.